

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TWINCO, INC.,

Case No. 3:24-cv-05061-BHS

Plaintiff,

V.

THE UNITED STATES SMALL BUSINESS ADMINISTRATION; ISABELLA CASILLAS GUZMAN, in her official capacity as Administrator of the Small Business Administration; JANET YELLEN, in her official capacity as the United States Secretary of the Treasury; and THE UNITED STATES OF AMERICA.

Defendants.

JOINT STATUS REPORT

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COMES NOW the parties, through their respective counsel and pursuant to this Court's Order Regarding Initial Disclosures, Joint Status Report, Discovery, Depositions, and Early Settlement (Dkt. 6) and submit the following Joint Status Report. The parties have conferred regarding the issues identified in the Court's Order and advise the Court as follows:

1 WHEREAS Plaintiff filed this action seeking review of Defendants' actions in adjudicating
2 Plaintiff's application for forgiveness of a Paycheck Protection Program loan it obtained pursuant
3 to the Coronavirus Aid, Relief and Economic Security Act. Dkt. 1.

4 WHEREAS Plaintiff's action against Defendants is brought pursuant to the Administrative
5 Procedures Act, 5 U.S.C. §§ 702, 706 and the Court's power under the Declaratory Judgment Act.
6 *Id.* at pg. 13-14.

7 WHEREAS Plaintiff's case, as presently filed, is "an action for review on an administrative
8 record," falling under a category of cases in Federal Rule of Civil Procedure 26(a)(1)(B)(i) that
9 are exempt from the requirements set forth in FRCP 26(a) and (f) pertaining to the "lay down" of
10 discovery, the participation of the parties in a discovery conference, and the presentation of a joint
11 discovery plan. Fed. R. Civ. P. 26(a)(1)(B)(i).

12 WHEREAS Plaintiff asserts that although its case is primarily an "action for review on an
13 administrative record," it is entitled to discovery, and that discovery may be necessary for judicial
14 review, pertaining to Plaintiff's Declaratory Judgment Act claim seeking to invalidate an agency
15 rule.

16 WHEREAS the parties have met and conferred and are currently exploring administrative
17 remedies that may resolve Plaintiff's claims and render the issues in this lawsuit moot.

18 WHEREAS the case was stayed until August 1, 2024 to allow the parties time to explore
19 a potential resolution.

20 WHEREAS, the parties agree that this case should be stayed until October 1, 2024, to allow
21 the parties additional time to explore potential resolution.

22 NOW THEREFORE, the parties, through their respective counsel of record, do hereby
23 stipulate and agree that the Court may make and enter the following order:

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JOINT STATUS REPORT
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UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 1. This case is stayed until October 1, 2024.
2 2. The parties shall file a Joint Status Report on or before October 1, 2024 informing the Court
3 of the status of the claims in this lawsuit.

4 SO STIPULATED.

5 DATED this 1st day of August, 2024.

6 GORDON THOMAS HONEYWELL LLP

7 *s/Ryan C. Espegaard*

RYAN C. ESPEGARD, WSBA No. 41805

8 1201 Pacific Avenue, Suite 2100

Tacoma, WA 98402

9 Telephone No. (206) 676-7548

Email: respegaard@gth-law.com

10 Attorney for Plaintiff

11 SO STIPULATED.

12 DATED this 1st day of August, 2024.

13 TESSA M. GORMAN

14 United States Attorney

15 *s/Kristin B. Johnson*

KRISTIN B. JOHNSON, WSBA No. 28189

16 Assistant United States Attorney

700 Stewart Street, Suite 5220

17 Seattle, WA 98101-1271

Telephone No. (206) 553-7970

18 E-mail: kristin.b.johnson@usdoj.gov

Attorney for Defendants

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3 **ORDER**
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5 IT IS SO ORDERED.
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10 Dated this _____ day of _____, 2024.
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BENJAMIN H. SETTLE
UNITED STATES DISTRICT JUDGE